

Serial No. 09/995,553

Atty. Docket No.: C-6625-US

REMARKS

Claims 1-12 and 15 are rejected under 35 U.S.C. § 102(b) and Claims 13 and 14 are rejected under 35 U.S.C. §103(a). In view of the amendments above and the remarks to follow, these rejections are believed to be overcome.

35 U.S.C. § 102(b)

Claims 5, 6 and 8 are cancelled. The subject matter of Claims 5 and 8 is incorporated into Claim 1. These claims require no further discussion.

Typographical errors are corrected in Claims 12-15.

All of the claims under consideration are amended to recite:

1.0 to 85.0 wt. % of an organic acid;
5.0 to 60.0 wt. % of an inorganic acid; and
an anionic surfactant with the pH being less than about 3.0 and is below the pKa of the organic acid.

The relationship of the low pH and anionic surfactant is advantageous as it results in a foodstuff cleaning composition which allows for added biocidal activity of the organic acid.

Unilever (EP 0 265 202) describes a hard surface cleaner. It contains a quaternary ammonium compound and/or a substituted guanidine compound as an antimicrobial agent. These antimicrobial agents are not present in the claimed composition. Furthermore, the relation between the pH of the composition and the pKa of the organic acid contained in Claims 1-4 is not found in this reference. In addition, Unilever specifies a non-ionic, cationic, zwitterionic and amphoteric agents with non-ionic being preferred. This is stated on page 3, lines 35 and 36. Reconsideration is requested.

Wierenga (US 5,997,054), as does Unilever, teaches a hard surface cleaning composition with a pH of from 3.0 to 6. Claims 1-4 specify a pH of less than 3. In addition, Wierenga teaches a cationic surfactant. This is stated in column 2, lines 64 and 65. Accordingly, there is

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no motivation to look to Wierenga to supply the missing pKa feature of Claims 1-4.
Reconsideration is requested.

Monsanto (EP 0 312 519) does not disclose a foodstuff wash having both an organic and inorganic acid as defined in Claims 1, 2, 4, 7, 9-12 and 15. Applicants cannot find any reference to lactic acid in Example 10. Only phosphoric. In any event, the defined ranges of the organic and inorganic acids are not taught or suggested by Monsanto. Neither does Monsanto disclose the pKa feature in these claims. As stated previously in distinguishing Wierenga, there is no motivation in Wierenga to add its teachings to Monsanto regarding Claims 1, 2, 4, 7, 9-12 and 15. Reconsideration of these claims is requested.

Lopes (US 6,617,290) employs a sequestering agent which is not employed in applicants' composition. Neither does Lopes disclose a pH less than 3, the pKa feature, nor the importance of utilizing an anionic surfactant. Wierenga is distinguished as previously. Applicants' defined composition provides a unique advantage with the organic acid at the defined pH range and with the anionic surfactant nowhere taught or suggested in the prior art. Reconsideration of the rejection of Claims 1-4, 7, 9 and 10 is requested.

35 U.S.C. § 103(a)

As to Claims 13 and 14, these claims are dependent on Claim 11 which has been previously distinguished with respect to Monsanto and Wierenga. Guthery (US 5,364,650) does not add any meaningful teaching as it does not disclose an anionic surfactant in combination with organic and inorganic acids. Instead it teaches a sequestering agent in the form of citric acid. Reconsideration is requested.

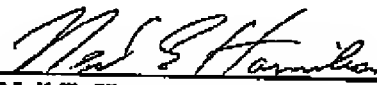
In view of the foregoing amendments and remarks, this application is believed to be in condition for allowance. If it is not in such condition, the Examiner is respectfully requested to call Applicants' attorney for a telephone interview.

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The Commissioner is hereby authorized to charge any fee(s) which may be required in connection with this amendment, or credit any overpayment(s) which may have been made, to Deposit Account No. 50-0231.

Respectfully submitted,

By: 
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